IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

CIVIL REVISION APPLICATION NO.185 OF 2004

Union Bank of India .. Applicant

versus

Ulka Shah .. Respondent

...

None for the applicant.

None for the respondent.

CORAM : D.G. KARNIK, J

DATED : 13th April 2007.

P.C.:

1. None present for either side.

2. This revision application is directed against the judgement and order dated 28th September 2004 passed by the learned Judge of the City Civil Court Mumbai rejecting the application under sectin 9A of the Code of Civil Procedure filed by the revision applicant and held that the Court had the

jurisdiction to entertain and try the suit.

3. In Solapur Social Urban Co-operative Bank Ltd. Vs. Nigam A. Mannan Beskar & ors. reported in 2006(4) Bom.C.R. 217, I have held that section 9A of the Code of Civil Procedure stands repealed by reason of the Code of Civil Procedure (Amendment) Act 1999 Central Act 46 of 1999 and the Code of Civil Procedure (Amendment) Act, 2002 (Central Act 22 of 2002).

4. As the Maharashtra Amendment introducing section 9A of the Code of Civil Procedure itself stood repealed, application under section 9A of the C.P.C itself was not maintainable. In the circumstances, there is no merit in the Revision Application which is accordingly dismissed.

(D.G. KARNIK, J)